REMARKS

This Amendment is being filed in response to the Office Action mailed November 12, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1, 4-17 and 19-27 remain in this application, where claims 2-3 and 18 had been previously canceled without prejudice and claims 18-27 have been currently added. Claims 1, 9, 11, 22, 23 and 24 are independent.

In the Office Action, claims 1, 4-6 and 8 are rejected under 35 U.S.C. 103(a) over U.S. Patent Application Publication No. 2003/0162556 (Libes) in view of U.S. Patent No. 6,980,083 (Sako). Claims 9-10 are rejected under 35 U.S.C. §103(a) over Libes in view of Sako. Claims 11-17 are rejected under 35 U.S.C. §103(a) over Libes in view of Sako. Further, claim 7 is rejected under 35 U.S.C. §103(a) over Libes in view of Sako and U.S. Patent No. 6,130,602 (O'Toole). It is respectfully submitted that claims 1 and 4-17 are patentable over Libes, Sako and O'Tool for at least

the following reasons.

Libes is directed to a method and system for communication between two wireless-enabled devices. Each wireless-enabled device includes a wireless handshake plug that is capable of transmitting and receiving data. When the two plugs are brought into physical proximity of each other, a communication link is established.

It is respectfully submitted that Libes does not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 9, 11, 22, 23 and 24 which, amongst other patentable elements, recites (illustrative emphasis provided):

> **detecting a duration of the proximity** of the first device and the second device to each other, and establishing the link **in response to the duration exceeding** a predetermined duration and the link is not already established.

Detecting a **duration** of proximity and establishing the link **in response to the duration exceeding** a predetermined duration are nowhere disclosed or suggested in Libes. It is alleged on pages 3, 5 and 7, that paragraphs 37 and 48 and FIGs 23-24 of Libes disclose these features.

It is respectfully submitted that paragraph 37 of Libes specifically discloses:

> Referring to FIG. 9, another wireless handshaking means can be accomplished by magnetic proximity-based plugs 300, where each plug contains a magnet 302 (i.e. the transmitter) and a magnetic field decoder 304 (i.e. the receiver). During handshaking, one of the devices detects the magnet from the other device and begins transmitting handshaking data via changes to the magnet's magnetic field. The magnetic field detector receives the data. This transmission and receiving of data is denoted generally at "302". As discussed above, the plugs 300 then swap roles of transmitter and receiver in two-way transmission, except for plugs illustrated in FIGS. 16-20 (and which are discussed more in detail below). In the event of one-way transmission of data, the magnetic field detector can decode the signal from the magnet on the other plug to complete one-way transmission. (Emphasis added)

Further, paragraph 48 of Libes specifically discloses:

> In one example, although not limited to such example, the individual processing system for wireless handshaking may be shown as configured in the flow charts of FIGS. 23 and 24. Here, the additional question can be added whether the device can be initialized as a master, as defined above, or slave (peripheral device). Therefore, it is the master device that would initiate the communication, as a slave device can only receive communication and cannot transmit. The timing on the protocol flow charts of FIGS. 23 and 24 are illustrative only and are not intended to be limiting factors. (Emphasis added)

It is respectfully submitted that paragraph 37 of Libes is merely concerned with magnetic proximity-based plugs, while paragraph 48 of Libes merely describes whether the device can be initialized as a master. FIGs 23 and 24 are referred to for showing the timing on the protocol flow charts. A careful review of FIGs 23 and 24 indicates that the flow charts do not disclose detecting any **duration of proximity**, and establishing the link **in response to the duration exceeding** a predetermined duration, as recited in independent claims 1, 9, 11, 22, 23 and 24. Sako and O'Tool is cited to allegedly show other features and do not remedy the deficiencies in Libes.

Accordingly, it is respectfully requested that independent claims 1, 9, 11, 22, 23 and 24 be allowed. In addition, it is respectfully submitted that claims 4-8, 10, 12-17, 19-21 and 25-27 should also be allowed at least based on their dependence from independent claims 1, 9, 11 and 24, as well as their individually patentable elements.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the

foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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